

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joshua Cosby,

Case No. 18-cv-573 (NEB/ECW)

Petitioner,

v.

REPORT AND RECOMMENDATION

F.C.I. Sandstone Warden,

Respondent.

On March 15, 2019, the Court ordered Petitioner to “pay the remaining \$395.00 filing fee or file an application to proceed in district court without prepaying fees or costs within 30 days of this Order, failing which the Court will recommend dismissal without prejudice.” (Dkt. No. 31 at 2.) More than 30 days have passed, and Petitioner has failed to abide by the Court’s order. Accordingly, **IT IS RECOMMENDED THAT** this action be **DISMISSED WITHOUT PREJUDICE** for failure to comply with the Court’s Order (Dkt. No. 31), for failure to pay the filing fee, and for failure to prosecute. *See Warsame v. Sugule*, No. 07-cv-3763 (PJS/RLE), 2008 WL 508602, at *1 (D. Minn. Feb. 21, 2008) (dismissing action for failure to pay filing fee after court order).

DATED: May 1, 2019

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge